UNITED STATES OF AMERICA,	)	
Petitioner,	)	
V.	) CIVIL ACTION NO.	SA-19-CV-1320
\$7,009.00, MORE OR LESS, IN UNITED STATES CURRENCY,	) ) )	
Respondent.	)	

#### **VERIFIED COMPLAINT FOR FORFEITURE**

Comes now Petitioner United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Fed. R. Civ. P., and respectfully states as follows:

# I. NATURE OF THIS ACTION

This action is brought by the United States of America seeking forfeiture to the United States of the following properties:

• \$7,009.00, More or Less, in United States Currency,

hereinafter referred to as the "Respondent Currency."

# II. JURISDICTION AND VENUE

Under Title 28 U.S.C. § 1345, this Court has jurisdiction over an action commenced by the United States, and under Title 28 U.S.C. § 1355(a), jurisdiction over an action for forfeiture. This Court has *in rem* jurisdiction over the Respondent Currency under Title 28 U.S.C. §§ 1355(b)(6)

and 1395. Venue is proper in this district pursuant to Title 28 U.S.C. § 1355(b)(1)(A) because the acts or omissions giving rise to the forfeiture occurred in this district, and pursuant to Title 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b) because the Respondent Currency is found in this district.

# III. STATUTORY BASIS FOR FORFEITURE

This is a civil forfeiture action *in rem* brought against the Respondent Currency for violations of Title 21 U.S.C. §§ 801, *et. seq.*, and subject to forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6), which states:

#### § 881. Forfeitures

#### (a) Subject property

The following shall be subject to forfeiture to the United States and no property right shall exist in them:

\*\*\*

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

# IV. FACTS IN SUPPORT OF VIOLATIONS

See Appendix "A" for facts.

#### V. PRAYER

WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the Respondent Currency, that due notice pursuant to Rule G(4) be given to all interested parties to appear and show cause why forfeiture should not be decreed, and in

<sup>&</sup>lt;sup>1</sup> Appendix A, which is being filed along with this complaint, will be sent to those known to the United States to have an interest in the Respondent Currency.

accordance with Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Fed. R. Civ. P., that the Respondent Currency be forfeited to the United States of America, that the Respondent Currency be disposed of in accordance with the law and for any such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

JOHN F. BASH United States Attorney

By:

FIDEL ESPARZA III

Assistant United States Attorney Asset Forfeiture Section 601 N.W. Loop 410, Suite 600 San Antonio, Texas 78216

Tel: (210) 384-7040 Fax: (210) 384-7045

Email: Fidel.Esparza@usdoj.gov

State Bar No. 24073776

Attorneys for the United States of America

#### **VERIFICATION**

Special Agent David Galvan, declares and says that:

- 1. I am a Special Agent with the Drug Enforcement Administration, assigned to the San Antonio District Office, and am the investigator responsible for the accuracy of the information provided in this litigation; and
- 2. I have read the above Verified Complaint for Forfeiture and know the contents thereof; that the information contained in the Verified Complaint for Forfeiture has been furnished by official government sources; and based on information and belief, the allegations contained in the Verified Complaint for Forfeiture are true.

Pursuant to Title 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the \_\_\_\_\_ day of November, 2019.

David Galvan, Special Agent
Drug Enforcement Administration

San Antonio District Office

UNITED STATES OF AMERICA,	)
Petitioner,	)
V.	) CIVIL ACTION NO. SA-19-CV-1320
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# APPENDIX A, FACTS IN SUPPORT OF VERIFIED COMPLAINT FOR FORFEITURE

1. In 2019, Drug Enforcement Administration (DEA) agents were conducting a joint investigation with the Texas Department of Public Safety (TXDPS) and San Antonio Police Department (SAPD). The investigation is of a drug trafficking organization (DTO) that is believed to be a distributor of cocaine in and around the San Antonio, Texas area.

#### **INITIAL INVESTIGATION**

2. On January 2, 2019, law enforcement officers from TXDPS and SAPD conducted surveillance based on information obtained from recorded conversations of individuals involved in the DTO. The conversation involved a Robert Tyronne Williams (hereinafter referred to as WILLIAMS) and a female, later identified as Brandie Reanne Nelson (hereinafter referred to as NELSON), discussing meeting for the purpose of conducting a drug transaction. Law enforcement officers arrived at the suspected meeting location and observed WILLIAMS meet with occupants, to include NELSON, of a blue Dodge Charger. The officers observed NELSON exit the Charger and get into William's vehicle. Moments later, NELSON exited the vehicle and returned to the Charger.

3. Once the vehicle departed, TXDPS Troopers conducted a traffic stop of the listed vehicle on Interstate 35 Frontage Rd., San Antonio, TX. During the traffic stop a TXDPS Trooper observed a large, clear bag containing a white powdery substance get thrown from the passenger side of the Charger. It was later determined that the bag contained 264 grams of cocaine. Both NELSON and Ossie Fields (hereinafter referred to as FIELDS) were arrested and booked on state charges for manufacture or delivery of controlled substance and tampering with physical evidence. The charges were later dropped in favor of federal prosecution via an indictment discussed in more detail *infra*.

#### FEDERAL ARREST OF NELSON AND FIELDS

- 4. On May 15, 2019, an Indictment was returned by a federal grand jury in the Western District of Texas against both NELSON and FIELDS under cause number SA-19-CR-369-XR for Conspiracy to Possess with Intent to Distribute 500 grams or more or detectable quantity of methamphetamine, and 5 kilograms or more of cocaine. Thereafter, arrest warrants were obtained for both NELSON and FIELDS. On May 29, 2019, DEA, Task Force Officer (TFO) David Ricks and DEA Special Agent (SA) Mark Perry, assisted by SAPD, and executed an arrest warrant for both NELSON and FIELDS at a residence located on North Santa Rosa Street, San Antonio, TX. Upon entry of the residence, NELSON was found to be the sole occupant at the location, and was arrested without incident. During the entry, in plain view, a small clear plastic baggie of crack cocaine along with a Springfield Armory XD-40 .40 caliber Semi-auto Pistol, Serial Number: GM165001 was observed on the kitchen counter.
- 5. With the narcotics evidence that was observed, SAPD Officer Kris Newman obtained a State Search Warrant. SAPD Officer Kris Newman applied for and received a State of

Texas County of Bexar Search Warrant signed by Magistrate Carla Obledo on May 28, 2019. On May 29, 2019 the State Search Warrant was executed, during the search of the kitchen, a plastic baggie containing (4) four plastic baggies of crack cocaine and an undetermined amount of U.S. Currency. The currency was seized from the drawers. In the bedroom chest of drawers, more U.S. Currency, was discovered. From Nelson's purse, a plastic baggie containing marijuana and (3) three IPhones from the kitchen table were seized. No K-9 was utilized. A total amount of 158 grams of crack cocaine was found in the residence.

- 6. The Respondent Currency was determined to be in the amount of \$7,009.00 and was seized for forfeiture.
- 7. A review of NELSON's reported wages determined that for 2017 she had \$38.50 in wages reported. No other recorded wages for Nelson before 2017 or after 2017 were discovered.
- 8. On August 23, 2019, DEA received a timely administrative claim from NELSON for the Respondent Currency. As part of NELSON's interest for the Respondent Currency, NELSON stated in her claim to DEA that the Respondent Currency were proceeds obtained from the sale of her 2015 Chevrolet Cruze VIN# 1G1PG5SB9F7280337 to Stephen Jenkins. Furthermore, NELSON provided a bill of sale in the same of amount of the Respondent Currency dated on May 15, 2019 and with signatures from both NELSON and Stephen Jenkins. Upon a preliminary investigation of the claim submitted by NELSON, it was determined that NELSON renewed on the vehicle registration, for the 2015 Chevrolet Cruze, in August of 2019. This renewal took place 3 months *after* the alleged sale in NELSON's claim.

- On October 25, 2019, DEA SA David Galvan, DEA SA Brian Schroeder and TFO Chris
  Martinez interviewed Stephen Rodriguez Jenkins (hereinafter referred to as JENKINS)
  regarding the alleged sale of a vehicle that JENKINS purchased from NELSON.
- 10. JENKINS stated that he and NELSON met when he moved to Texas and they are good friends. JENKINS stated that he purchased a 1999 red Chevrolet 4-door, from NELSON, in August of 2019. JENKINS stated that the red Chevrolet was the only vehicle that JENKINS has ever purchased from NELSON. JENKINS escorted agents to the parking lot to see the 1999 red Chevrolet 4-door. SA Galvan took photographs of JENKINS' Texas identification and the 1999 red Chevrolet 4-door. The 1999 red Chevrolet was bearing VIN: 3G1JF5245XS811272. JENKINS stated that NELSON was working on a bill of sale, payment requirements and getting the red 1999 Chevrolet registered in JENKINS name. At that time, JENKINS stated that he paid NELSON a total of \$450.00.
- 11. For the above stated reasons and in consideration of the totality of the circumstances, the evidence demonstrates that: recorded conversations between NELSON and WILLIAMS establish NELSON's involvement in the sale of narcotics. During a traffic stop on January 2, 2019, NELSON was arrested for manufacture or delivery of controlled substance, after it was discovered that a bag containing cocaine was tossed from the passenger side of the vehicle. The state charges were subsequently dropped in favor of federal prosecution. On May 15, 2019, NELSON was indicted in cause number SA-19-CR-369-XR for Conspiracy to Possess with Intent to Distribute 500 grams or more or detectable quantity of methamphetamine, and 5 kilograms or more of cocaine. An arrest warrant was issued for NELSON and during the execution of the warrant a small amount of crack cocaine along with a firearm was found in plain view. That led law enforcement to obtain a state search

warrant for the residence. During the execution of the search warrant a total amount of 158 grams of crack cocaine was found in the residence. The Respondent Currency was also discovered and determined to be in the amount of \$7,009.00. It was seized for forfeiture. NELSON, then filed an administrative claim for the Respondent Currency. In the claim NELSON claims that the Respondent Currency is from the sale of a 2015 Chevrolet Cruze VIN# 1G1PG5SB9F7280337 to Stephen Jenkins. Subsequent investigation established that the sale did not take place.

12. Therefore, the facts reasonably establish that the Respondent Currency represents proceeds from NELSON's illegal narcotic activities in violation of Title 21 U.S.C. § 801. *et. seq.* The Respondent Currency is thereby subject to civil forfeiture pursuant to Title 21 U.S.C. § 881 (a)(6).

UNITED STATES OF AMERICA,	)	
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Respondent.	)	

# NOTICE OF COMPLAINT FOR FORFEITURE

- 1. On November 8, 2019, a Verified Complaint for Forfeiture *in rem* was filed in this Court by the United States Attorney for the Western District of Texas and Assistant United States Attorney Fidel Esparza III, against the properties described below, which are also specifically described in the Verified Complaint for Forfeiture, for violations of Title 21 U.S.C. §§ 801, *et. seq.*, and subject to forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6), namely:
- \$7,009.00, More or Less, in United States Currency, hereinafter referred to as the "Respondent Currency."
- 2. Pursuant to Supplemental Rule of Federal Civil Procedure G(4)(b), notice to any person who reasonably appears to be a potential claimant shall be by direct notice. Accompanying this notice is the Verified Complaint for Forfeiture which has been filed in this cause and which describes the Respondent Currency. Pursuant to Supplemental Rule G(4)(b), any person claiming an interest in the Respondent Currency who has received direct notice of this forfeiture action must file a Claim, in compliance with Rule G(5)(a), with the court within thirty-

APPENDIX B

five (35) days after the notice was sent, if delivered by mail (if mailed, the date sent is provided below), or within 35 days of the date of delivery, if notice was personally served.

An Answer or motion under Rule 12 of the Federal Rules of Civil Procedure must then be filed within twenty-one (21) days of the Claim being filed.

The Claim and Answer must be filed with the Clerk of the Court, 655 E. Cesar E. Chavez Blvd., Room G65, San Antonio, Texas 78206, and copies of each must be served upon Assistant United States Attorney Fidel Esparza III, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216, or default and forfeiture will be ordered. *See* Title 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Failure to follow the requirements set forth above will result in a judgment by default taken against you for the relief demanded in the complaint.

UNITED STATES OF AMERICA,	)
Petitioner,	)
v.	) CIVIL ACTION NO. SA-19-CV-1320
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Respondent.	)

#### WARRANT FOR THE ARREST OF PROPERTY

TO THE UNITED STATES MARSHALS SERVICE, OR ITS DESIGNATED AGENT, OR OTHER AUTHORIZED LAW ENFORCEMENT OFFICER OR ANY OTHER PERSON OR ORGANIZATION AUTHORIZED BY LAW TO ENFORCE THE WARRANT:

WHEREAS a Verified Complaint for Forfeiture *in rem* was filed on November \_\_\_\_8\_\_\_, 2019, against the following properties:

## • \$7,009.00, More or Less, in United States Currency,

hereinafter referred to as the "Respondent Currency," alleging that the Respondent Currency is subject to forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6) for violations of Title 21 U.S.C. §§ 801, et. seq.; and

WHEREAS an Order has been entered by the United States District Court for the Western District of Texas that a Warrant for Arrest of Property be issued as prayed for by Petitioner United States of America.

YOU ARE THEREFORE COMMANDED to arrest and take actual or constructive possession of Respondent Currency as soon as practicable by serving a copy of this warrant on the custodian in whose possession, custody or control the Respondent Currency is presently found, and to use whatever means may be appropriate to protect and maintain the Respondent Currency

# Case 5:19-cv-01320 Document 1-3 Filed 11/08/19 Page 2 of 2

in your custody until	Turiner order of this Cou	rt, including designating a substitute custodian or
representative for the	e purposes of maintaining	the care and custody of the Respondent Currency
and to make a return	as provided by law.	
SIGNED this	day of	, 2019.
		JEANNETTE CLACK United States District Clerk Western District of Texas
	Ву	y:

UNITED STATES OF AMERICA,	)	
Petitioner,	)	
V.	) CIVIL ACTION NO.	SA-19-CV-1320
\$7,009.00, MORE OR LESS, IN UNITED STATES CURRENCY,	)	
Respondent.	) )	

#### ORDER FOR WARRANT OF ARREST OF PROPERTY

WHEREAS a Verified Complaint for Forfeiture *in rem* was filed on November \_\_8\_, 2019, against the following property:

## • \$7,009.00, More or Less, in United States Currency; and

hereinafter collectively referred to as the "Respondent Currency," alleging that the Respondent Currency is subject to forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6) for violations of Title 21 U.S.C. §§ 801, et. seq.; IT IS THEREFORE

ORDERED that a Warrant for Arrest of Respondent Currency issue as prayed for, and that the United States Marshals Service or its designated agent for the Western District of Texas, or any other law enforcement officer, or any other person or organization authorized by law to enforce the warrant, be commanded to arrest the Respondent Currency and to take actual or constructive possession for safe custody as provided by Rule G, Supplemental Rules of Federal Rules of Civil Procedure until further order of the Court, and to use whatever means may be appropriate to protect and maintain the Respondent Currency while in custody, including designating a substitute custodian or representative for the purposes of maintaining the care and custody of the Respondent Currency and to make a return as provided by law.

# Case 5:19-cv-01320 Document 1-4 Filed 11/08/19 Page 2 of 2

SIGNED this	day of	, 2019.	
		UNITED STATES DISTRICT JUDGE	-

# Case 5:19-cv-013@QV DO@OONER SHEET 11/08/19 Page 18/4119-CV-1320

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS	Total Month of the Control of the Co								
			\$7,009.00, More or Less, in United States Currency						
United States of America  (b) County of Residence of First Listed Plaintiff  (EXCEPT IN U.S. PLAINTIFF CASES)  (c) Attorneys (Firm Name, Address, and Telephone Number)  Fidel Esparza III, U.S. Attorney's Office 601 NW Loop 410, Suite 600, San Antonio, TX 78216 210-384-7040				NOTE: IN LAND CO	THE TRACT OF LAND INVOLVED.				
II. BASIS OF JURISDI	CTION (Place an "Y" in O	ng Rox Only)	III. CI	TIZENSHIP OF P	RINCIPA	AL PARTIES	(Place an "X" in	One Roy	for Plaintifi
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Plaintiff	(U.S. Government)	Not a Party)	Citize	en of This State		Incorporated or Pr of Business In T		□ 4	DEF □ 4
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenshi)	ip of Parties in Item III)	Citize	en of Another State	2 🗖 2	Incorporated and F of Business In A		□ 5	□ 5
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CONTRACT  ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise  REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	PERSONAL INJURY  310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 455 Marine Product Liability 350 Motor Vehicle 455 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury - Medical Malpractice  CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities - Employment 446 Amer. w/Disabilities - Other 448 Education	PERSONAL INJUR'  365 Personal Injury - Product Liability  367 Health Care/ Pharmaceutical Personal Injury Product Liability  368 Asbestos Personal Injury Product Liability  PERSONAL PROPER  370 Other Fraud  371 Truth in Lending  380 Other Personal Property Damage Product Liability  PRISONER PETITION  Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty Other: 540 Mandamus & Oth 550 Civil Rights 555 Prison Condition 560 Civil Detainee - Conditions of Confinement	X 62  G 69  1  RTY  72  74  75  NS  79  46	DEFEITURE/PENALTY  5 Drug Related Seizure of Property 21 USC 881  0 Other  10 Other  LABOR  10 Fair Labor Standards Act 11 Labor Management 12 Relations 13 Railway Labor Act 14 Family and Medical 15 Leave Act 16 Other Labor Litigation 16 Employee Retirement 17 Income Security Act  18 IMMIGRATION 19 Other Immigration 19 Oth	422 App   423 With	RTY RIGHTS vrights nt nt - Abbreviated Drug Application emark SECURITY (1395ff) k Lung (923) C/DIWW (405(g)) D Title XVI	375 False Cl   376 Qui Tan 3729(a)   400 State Re   410 Antitrus   430 Banks an   450 Commer   460 Deporta   470 Racketer   Corrupt   480 Consum   490 Cable/Si   850 Securitis   Exchan   890 Other St   891 Agricult   893 Environ   895 Freedon   Act   896 Arbitrat   899 Adminis   Act/Rev	aims Act in (31 USC ) apportion t t nd Bankin ree tion er Influen Organizat er Credit at TV es/Commo ge tatutory A tural Acts mental Ma in of Inforn ion strative Pr riew or Ap Decision utionality	ment  ng  ced and tions  odities/ ctions  atters mation  cocedure
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